

# JOURNAL OF THE HOUSE

First Regular Session, 93rd GENERAL ASSEMBLY

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THIRTY-FOURTH DAY, MONDAY, MARCH 7, 2005

The House met pursuant to adjournment.

Speaker Pro Tem Bearden in the Chair.

Prayer by Reverend James Earl Jackson.

Heavenly Father, we trust in You and through Your mercy we are not shaken. Be exalted, O Lord, in Your strength for we speak of Your praise and power.

You, O Lord, are not distant and offer help and assistance whenever we pray.

Although many may criticize and sneer at the decisions we make in this Chamber, we shamelessly seek to fulfill our due service to You, this state, and our constituents.

Help us to celebrate the splendor of changing seasons, the necessity of opposing views, and the liberty to speak our passions.

Grant us peace as we pray in the undying name of Your Son. Amen.

The Pledge of Allegiance to the flag was recited.

The Journal of the thirty-third day was approved as printed by the following vote:

AYES: 150

Aull	Avery	Baker 123	Baker 25	Barnitz
Bearden	Behnen	Bivins	Black	Boykins
Bringer	Brooks	Brown 30	Brown 50	Bruns
Burnett	Chappelle-Nadal	Casey	Chinn	Cooper 120
Cooper 155	Cooper 158	Corcoran	Cunningham 145	Cunningham 86
Curls	Darrough	Daus	Davis	Day
Deeken	Dempsey	Denison	Dethrow	Dixon
Donnelly	Dougherty	Emery	Ervin	Faith
Fares	Fisher	Flook	Franz	Fraser
George	Goodman	Guest	Harris 110	Harris 23
Haywood	Henke	Hobbs	Hoskins	Hughes
Hunter	Ice	Jackson	Johnson 47	Johnson 61
Jolly	Jones	Kelly	Kingery	Kratky
Kraus	Kuessner	Lager	Lampe	Lembke
LeVota	Liese	Lipke	Loehner	Low 39
Lowe 44	Marsh	May	McGhee	Meadows
Meiners	Moore	Munzlinger	Muschany	Myers
Nance	Nieves	Nolte	Oxford	Parker
Parson	Pearce	Phillips	Pollock	Portwood
Pratt	Quinn	Rector	Richard	Roark

Robb	Robinson	Roorda	Rucker	Ruestman
Rupp	Salva	Sander	Sater	Schaaf
Schad	Schlottach	Schneider	Schoemehl	Selby
Self	Shoemyer	Skaggs	Spreng	Stefanick
Stevenson	St. Onge	Storch	Sutherland	Swinger
Threlkeld	Tilley	Viebrock	Villa	Vogt
Wagner	Wallace	Walsh	Walton	Wasson
Wells	Weter	Whorton	Wildberger	Wilson 119
Wilson 130	Witte	Wood	Wright-Jones	Wright 137
Wright 159	Yates	Young	Zweifel	Mr Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 012

Bean	Bland	Bowman	Byrd	Dusenberg
El-Amin	Hubbard	Johnson 90	Page	Smith 118
Smith 14	Yaeger			

VACANCIES: 001

## HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 927  
and  
House Resolution No. 928 - Representative Jetton  
House Resolution No. 929  
and  
House Resolution No. 930 - Representative Brown (30)  
House Resolution No. 931  
and  
House Resolution No. 932 - Representative Munzlinger  
House Resolution No. 933 - Representative Moore  
House Resolution No. 934 - Representative Deeken  
House Resolution No. 935 - Representative Nolte  
House Resolution No. 936  
through  
House Resolution No. 1060 - Representatives Avery and Tilley  
House Resolution No. 1061 - Representative Self  
House Resolution No. 1062 - Representative Skaggs  
House Resolution No. 1063  
through  
House Resolution No. 1065 - Representative Parson  
House Resolution No. 1066  
through  
House Resolution No. 1078 - Representatives Bivins and Lembke  
House Resolution No. 1079  
through  
House Resolution No. 1092 - Representative Bivins

House Resolution No. 1093

and

House Resolution No. 1094 - Representatives Johnson (61) and Cunningham (145)  
House Resolution No. 1095 - Representative Johnson (61)  
House Resolution No. 1096 - Representatives Bivins and Lembke  
House Resolution No. 1097 - Representative Cooper (158)  
House Resolution No. 1098 - Representative Sater  
House Resolution No. 1099 - Representative Cooper (158)  
House Resolution No. 1100 - Representative Low (39)  
House Resolution No. 1101 - Representatives Roorda, Casey and Meadows  
House Resolution No. 1102 - Representative Young  
House Resolution No. 1103 - Representative Johnson (61)

### SECOND READING OF HOUSE BILLS

**HB 701** through **HB 718** were read the second time.

### MESSAGE FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to concur in **HCS SS SCS SBs 1 & 130, as amended**, and requests the House to recede from its position and failing to do so grant the Senate a conference thereon.

### BILL CARRYING REQUEST MESSAGE

**HCS SS SCS SBs 1 & 130, as amended**, relating to workers' compensation, was taken up by Representative Hunter.

Representative Hunter moved that the House refuse to recede from its position on **HCS SS SCS SBs 1 & 130, as amended**, and grant the Senate a conference.

Which motion was adopted.

Speaker Jetton assumed the Chair.

### APPOINTMENT OF CONFERENCE COMMITTEE

The Speaker appointed the following Conference Committee to act with a like committee from the Senate on the following bill:

**HCS SS SCS SBs 1 & 130:** Representatives Cooper (120), Bearden, Hunter, Vogt and Lowe (44).

## **PERFECTION OF HOUSE BILL - APPROPRIATIONS**

**HCS HB 14**, relating to appropriations, was taken up by Representative Lager.

On motion of Representative Lager, **HCS HB 14** was adopted.

On motion of Representative Lager, **HCS HB 14** was ordered perfected and printed.

## **HOUSE RESOLUTION**

**HR 222**, relating to Southwest Missouri State University Founders Day, was taken up by Representative Dixon.

On motion of Representative Dixon, **HR 222** was adopted.

## **REFERRAL OF HOUSE RESOLUTIONS**

The following House Resolutions were referred to the Committee indicated:

**HR 813** - Rules

**HR 838** - Rules

**HR 923** - Rules

## **REFERRAL OF HOUSE BILLS**

The following House Bills were referred to the Committee indicated:

**HB 679** - Elementary and Secondary Education

**HB 707** - Financial Institutions

**HB 710** - Job Creation and Economic Development

## **COMMITTEE REPORTS**

**Special Committee on Urban Issues**, Chairman Hoskins reporting:

Mr. Speaker: Your Special Committee on Urban Issues, to which was referred **HB 413**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**, and pursuant to Rule 25(26)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Special Committee on Urban Issues, to which was referred **HB 564**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**, and pursuant to Rule 25(26)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Special Committee on Urban Issues, to which was referred **HB 638**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**, and pursuant to Rule 25(26)(f) be referred to the Committee on Rules.

**Committee on Veterans**, Chairman Jackson reporting:

Mr. Speaker: Your Committee on Veterans, to which was referred **HB 412**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(26)(f) be referred to the Committee on Rules.

**Committee on Rules**, Chairman Cooper (120) reporting:

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 58**, begs leave to report it has examined the same and recommends that it **Do Pass, with no time limit for debate**.

Mr. Speaker: Your Committee on Rules, to which was referred **HB 243**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent, with no time limit for debate**.

Mr. Speaker: Your Committee on Rules, to which was referred **HB 344**, begs leave to report it has examined the same and recommends that it **Do Pass, with no time limit for debate**.

Mr. Speaker: Your Committee on Rules, to which was referred **HB 397**, begs leave to report it has examined the same and recommends that it **Do Pass, with no time limit for debate**.

Mr. Speaker: Your Committee on Rules, to which was referred **HB 423**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent, with no time limit for debate**.

Mr. Speaker: Your Committee on Rules, to which was referred **HB 431**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent, with no time limit for debate**.

Mr. Speaker: Your Committee on Rules, to which was referred **HB 567**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent, with no time limit for debate**.

## **INTRODUCTION OF HOUSE BILLS**

The following House Bills were read the first time and copies ordered printed:

**HB 719**, introduced by Representative Byrd, relating to judicial procedures.

**HB 720**, introduced by Representative Byrd, relating to the chair of the salary commission.

**HB 721**, introduced by Representatives Flook, Skaggs, Nolte and Nance, relating to juvenile officer retirement.

**HB 722**, introduced by Representatives Wagner, Roorda and Meadows, relating to police relief and pension systems.

**HB 723**, introduced by Representatives Cooper (155), Schaaf, Threlkeld and Page, relating to joint negotiations of physicians.

**HB 724**, introduced by Representatives Smith (14), Page, Schaaf and Meiners, relating to insurance coverage for treatment of infertility.

**HB 725**, introduced by Representative Behnen, relating to professional licensing.

### MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **SCR 3**.

#### SENATE CONCURRENT RESOLUTION NO. 3

WHEREAS, congenital heart defects are the most frequently occurring birth defect and the leading cause of birth defect related deaths worldwide; and

WHEREAS, more than one million families across America are facing the challenges and hardships of raising children with congenital heart defects; and

WHEREAS, each year 40,000 babies are born with congenital heart defects in the United States; and

WHEREAS, some congenital heart defects are not diagnosed until months or years after birth; and

WHEREAS, undiagnosed congenital heart conditions cause many cases of sudden cardiac death in young athletes; and

WHEREAS, despite these conditions, newborns and young athletes are not routinely screened for congenital heart defects; and

WHEREAS, Congenital Heart Defect Awareness Day provides an opportunity for families whose lives have been affected to celebrate life and to remember loved ones lost, to honor dedicated health professionals, and to meet others and know they are not alone; and

WHEREAS, the establishment of Congenital Heart Defect Awareness Day will also provide the opportunity to share experience and information with the public and the media in order to raise public awareness about congenital heart defects:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Senate, Ninety-third General Assembly, First Regular Session, the House of Representatives concurring therein, hereby recognize February 14th, as Congenital Heart Defect Awareness Day in Missouri.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS SB 147**, entitled:

An act to repeal section 142.031, RSMo, and to enact in lieu thereof one new section relating to the Missouri qualified biodiesel producer incentive fund.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 177**, entitled:

An act to repeal section 105.712, RSMo, and to enact in lieu thereof one new section relating to dental care.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS SCS SB 210**, entitled:

An act to repeal sections 44.090, 50.530, 50.757, 55.160, 64.215, 64.940, 67.1775, 67.1850, 110.130, 110.150, 115.019, 137.115, 205.010, 210.860, 210.861, 233.295, 263.245, and 488.426, RSMo, section 137.130 as enacted by conference committee substitute for senate substitute for senate committee substitute for house substitute for house committee substitute for house bill no. 701, ninetieth general assembly, first regular session, and section 137.130 as enacted by conference committee substitute for house substitute for house committee substitute for senate bill no. 827, eighty-ninth general assembly, second regular session, and section 488.429, RSMo, as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill nos. 795, 972, 1128 & 1161, ninety-second general assembly, second regular session, and section 488.429, RSMo, as enacted by senate committee substitute for house committee substitute for house bill no. 798 merged with house committee substitute for senate bill no. 1211, ninety-second general assembly, second regular session, and to enact in lieu thereof twenty-seven new sections relating to county government.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS SB 252**, entitled:

An act to amend chapter 41, RSMo, by adding thereto three new sections relating to the protection of military facilities and personnel, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS SB 312**, entitled:

An act to repeal section 226.030, RSMo, and to enact in lieu thereof one new section relating to expanding the membership of the highways and transportation commission.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 342**, entitled:

An act to repeal section 559.607, RSMo, and to enact in lieu thereof one new section relating to probation services for municipal ordinance violations.

In which the concurrence of the House is respectfully requested.

The following members' presence was noted: Bowman, Byrd, Page, Smith (14) and Smith (118).

### **ADJOURNMENT**

On motion of Representative Dempsey, the House adjourned until 10:00 a.m., Tuesday, March 8, 2005.

### **COMMITTEE MEETINGS**

#### **AGRICULTURE POLICY**

Tuesday, March 8, 2005, 12:00 p.m. Hearing Room 1.

Possible Executive session. AMENDED

Public hearings to be held on: HB 597, HB 369, HB 501, HB 528, HB 563, HB 588

Executive session will be held on: HB 367, HB 305, HB 368, HB 454

#### **APPROPRIATIONS - AGRICULTURE AND NATURAL RESOURCES**

Tuesday, March 8, 2005, 8:00 a.m. Hearing Room 4.

Markup for Departments of Agriculture, Natural Resources and Conservation.

Hearing will continue upon afternoon adjournment if necessary.

Executive session may follow.

#### **APPROPRIATIONS - GENERAL ADMINISTRATION**

Tuesday, March 8, 2005, 8:00 a.m. Hearing Room 7.

Fringe benefits, Statewide Elected Officials, Department of Revenue,

Office of Administration, Statewide Leasing, Judiciary, Public Defender and General Assembly.

Executive session may follow.

#### **APPROPRIATIONS - HEALTH, MENTAL HEALTH AND SOCIAL SERVICES**

Tuesday, March 8, 2005, 4:00 p.m. Hearing Room 3.

Child Welfare - Division of Youth Services.

#### **APPROPRIATIONS - HEALTH, MENTAL HEALTH AND SOCIAL SERVICES**

Wednesday, March 9, 2005, 8:00 p.m. Hearing Room 3.

Executive session on committee recommendations.

#### **APPROPRIATIONS - HEALTH, MENTAL HEALTH AND SOCIAL SERVICES**

Thursday, March 10, 2005, 8:00 a.m. Hearing Room 3.

Executive session on committee recommendations. Recess 10:00 a.m.

Thirty minutes after morning adjournment Executive session on committee recommendations.

#### **CHILDREN AND FAMILIES**

Wednesday, March 9, 2005, 8:00 a.m. Hearing Room 7.

Executive session may follow.

Public hearings to be held on: HCR 20, HB 568, HB 574, HB 586



CORRECTIONS AND PUBLIC INSTITUTIONS

Wednesday, March 9, 2005, 8:00 a.m. Hearing Room 4.

Executive session may follow.

Public hearings to be held on: HB 236, HB 422, HB 446, HB 453, HB 491, HB 531, HB 631

CRIME PREVENTION AND PUBLIC SAFETY

Tuesday, March 8, 2005, 6:00 p.m. Hearing Room 1.

Executive session may follow.

Public hearings to be held on: HB 537, HB 547, HB 332, HB 511, HB 684, HB 633

ELECTIONS

Tuesday, March 8, 2005, 6:00 p.m. Hearing Room 5.

Public hearings to be held on: HB 316, HB 149

Executive session will be held on: HB 280, HB 255, HB 66, HB 525

ELEMENTARY AND SECONDARY EDUCATION

Wednesday, March 9, 2005, 8:00 a.m. Hearing Room 3.

Public hearings to be held on: HCR 25, HB 473, HB 679

Executive session will be held on: HB 276, HCR 25, HB 473, HB 679, HB 539, HB 145

FINANCIAL INSTITUTIONS

Tuesday, March 8, 2005, 12:00 p.m. Hearing Room 6.

Executive session may follow. CANCELLED

Public hearing to be held on: HB 647

HEALTH CARE POLICY

Wednesday, March 9, 2005, 8:00 a.m. Hearing Room 6.

Executive session may follow.

Public hearings to be held on: HB 503, HB 603

HIGHER EDUCATION

Tuesday, March 8, 2005, 12:00 p.m. Hearing Room 4.

Executive session may follow. AMENDED

Public hearing to be held on: HB 440

INSURANCE POLICY

Tuesday, March 8, 2005, 4:00 p.m. Hearing Room 7.

Executive session may follow. AMENDED

Public hearings to be held on: HB 474, HB 496, HB 596, HB 654, HB 667

JOB CREATION AND ECONOMIC DEVELOPMENT

Wednesday, March 9, 2005, 12:00 p.m. Hearing Room 6.

Executive session may follow.

Public hearings to be held on: HB 158, HB 629

JOINT COMMITTEE ON EDUCATION

Tuesday, March 8, 2005, 8:00 p.m. Senate Committee Room 2.

Formula recommendation. Overflow will be available in Senate Committee Room 1.

Executive session may or may not follow.

JUDICIARY

Tuesday, March 8, 2005, 12:00 p.m. Hearing Room 7.

Executive session may follow. AMENDED

Public hearings to be held on: HB 595, HB 578, HB 355, HB 362,  
HB 628, HB 630, HB 678, HB 688

LOCAL GOVERNMENT

Thursday, March 10, 2005, 8:00 a.m. Hearing Room 6.

Executive session will follow.

Public hearings to be held on: HB 450, HB 559, HB 176, HB 558, HB 480

TOURISM

Tuesday, March 8, 2005, 12:00 p.m. Hearing Room 5.

Executive session may follow.

Public hearing to be held on: HB 515

TRANSPORTATION

Wednesday, March 9, 2005, 8:00 a.m. Hearing Room 1.

Executive session will follow.

Public hearings to be held on: HB 635, HB 375, HB 410, HB 487, HB 53, HB 618

UTILITIES

Wednesday, March 9, 2005, 12:00 p.m. Hearing Room 5.

Hearing to begin at noon or upon morning recess, whichever is later.

Executive session may occur. AMENDED

Public hearings to be held on: HB 553, HB 640

VETERANS

Wednesday, March 9, 2005, 8:00 a.m. Hearing Room 5.

Executive session may follow.

Public hearings to be held on: HB 294, HB 421, HB 522, HB 535, HB 581

WAYS AND MEANS

Wednesday, March 9, 2005, 6:00 p.m. Hearing Room 5.

Executive session may follow. AMENDED

Public hearings to be held on: HB 242, HB 222, HB 416, HB 604, HB 321

WORKFORCE DEVELOPMENT AND WORKPLACE SAFETY

Tuesday, March 8, 2005, House Chamber south side gallery upon afternoon adjournment.

Executive session will be held on: HB 148, HB 519

**WORKFORCE DEVELOPMENT AND WORKPLACE SAFETY**

Wednesday, March 9, 2005, 12:00 p.m. Hearing Room 3.

Executive session may follow.

Public hearings to be held on: HB 500, HB 533

**HOUSE CALENDAR**

THIRTY-FIFTH DAY, TUESDAY, MARCH 8, 2005

**HOUSE BILLS FOR SECOND READING**

HB 719 through HB 725

**HOUSE BILLS FOR PERFECTION**

- |    |                                      |                                   |
|----|--------------------------------------|-----------------------------------|
| 1  | HCS HB 365 - Munzlinger              |                                   |
| 2  | HB 100 - Cunningham (86)             | (3 hours debate on Perfection)    |
| 3  | HCS HB 186 - Emery                   |                                   |
| 4  | HB 48 - Dougherty                    | (30 minutes debate on Perfection) |
| 5  | HCS#2 HB 94 & 185 - Cunningham (145) |                                   |
| 6  | HB 114 - Johnson (47)                |                                   |
| 7  | HCS HB 119 - Jones                   |                                   |
| 8  | HCS HB 174 - Wood                    |                                   |
| 9  | HCS HB 215 - Pearce                  |                                   |
| 10 | HCS HB 348 - Pearce                  |                                   |

**HOUSE BILLS FOR PERFECTION - CONSENT**

(3/01/05)

- |   |                           |
|---|---------------------------|
| 1 | HCS HB 135 - Richard      |
| 2 | HB 229 - Portwood         |
| 3 | HB 230 - Portwood         |
| 4 | HCS HB 379 - Cooper (120) |

(3/02/05)

- |   |                       |
|---|-----------------------|
| 1 | HB 40 - Tilley        |
| 2 | HCS HB 56 - Threlkeld |
| 3 | HB 127 - Bivins       |

(3/03/05)

- |   |                                    |
|---|------------------------------------|
| 1 | HCS HB 47 - Brown (30)             |
| 2 | HCS HB 163, 213 & 216 - Smith (14) |
| 3 | HB 592 - Cooper (120)              |

(3/07/05)

- 1        HB 269 - Bruns
- 2        HB 361 - Lipke
- 3        HCS HB 580 - Byrd

(3/08/05)

- 1        HB 243 - May
- 2        HB 397 - Henke
- 3        HB 423 - Kuessner
- 4        HB 431 - Wright (137)
- 5        HB 567 - Stevenson

#### **HOUSE BILL FOR THIRD READING - APPROPRIATIONS**

HCS HB 14 - Lager

#### **SENATE BILLS FOR SECOND READING**

- 1        SCS SB 147
- 2        SB 177
- 3        SS SCS SB 210
- 4        SCS SB 252
- 5        SCS SB 312
- 6        SB 342

#### **BILL IN CONFERENCE**

HCS SS SCS SB 1 & 130, as amended - Hunter

#### **HOUSE CONCURRENT RESOLUTIONS**

- 1        HCR 11, (2-17-05, Pages 351-352) - Sander
- 2        HCR 4, (3-02-05, Pages 467-468) - Burnett
- 3        HCR 9, (2-17-05, Page 351) - Bivins
- 4        HCR 15, (3-03-05, Pages 487-488) - Baker (123)